



## **American Homeowners Grassroots Alliance**

December 18, 2001

Renata Hesse  
Trial Attorney  
Antitrust Division  
U.S. Department of Justice  
601 D Street, N.W. # 1200  
Washington, D.C. 20530  
By fax and Email: [microsoft.atr@usdoj.gov](mailto:microsoft.atr@usdoj.gov)

Dear Ms. Hesse:

We are writing to comment on issues in the settlement of the Microsoft antitrust case. We also wish to commend the Department of Justice for negotiating a fair and reasonable Revised Proposed Final Judgment in the case, and to urge the Department to resist efforts of Microsoft competitors to undermine the proposed settlement of the case.

The American Homeowners Grassroots Alliance is the national advocacy organization representing, along with its sister foundation, the nation's 70 million homeowners since 1983. Our interest in this case comes from the fact that nearly 60% of homes have one or more computers. Those tools are increasingly important to homeowners who depend on them as tools for personal and business communications, financial management and planning, adult and children's education, and also to manage the rapidly growing number of home-based businesses.

In the early history of the personal computer industry there were many choices for operating systems, much as there are in cellular telephones in the U.S. today. The utility of personal computers was undermined by the inability of software written for one operating system to work on a different operating system, just as the incompatibility of today's cellular telephone operating systems is a limiting factor in their value to consumers. Over time the development of many types of software for the Windows operating system lead more and more consumers to select the Windows operating system. Consumer preference for a wide variety of software applications, convenience, and ease of use also lead to a consumer preference for the integration of software applications into the Windows operating system.

The evolution of the Windows operating system into an industry standard through consumer choice is the most valuable consumer benefit of Windows. Actions taken to address Microsoft behavior should, in no case, undermine the current right of consumers to select Microsoft operating systems and popular arrays of integrated software applications.

We believe the revised proposed final judgment strikes the right balance in effectively addressing Microsoft's unacceptable practices and also preserves consumer choice. The agreement calls for uniform pricing and allows computer makers flexibility to configure Windows and promote non-Microsoft programs. Both interfaces and protocols necessary for


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other software to work with Windows must disclosed, and both retaliation and exclusive agreements are prohibited. An independently appointed permanent technical committee will monitor compliance and assist with dispute resolution. The U.S. or any of the states have a right to inspect all Microsoft documents and all source code for any Microsoft program, interview any Microsoft employee, and order Microsoft to prepare any report under oath regarding any issues relating to the final judgment. Any person may complain regarding noncompliance to the Justice Department, the states and/or the technical committee and the plaintiffs can immediately initiate proceedings to hold Microsoft in contempt. We see no loopholes in this remedy.

Our members have not urged us to support more stringent sanctions against Microsoft. In fact we believe there is little or no consumer opposition to the revised proposed final judgment. We oppose many of the suggestions of Microsoft competitors, directly or through their influence of federal legislators, state attorney generals, or third party organizations, for settlement provisions designed to increase their market share. These companies do not represent consumers, and consumers have made their preference for the Windows operating system known by their actions in the marketplace.

We thank you for the opportunity to present our views on this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Hahn".

Beth Hahn  
President